

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

SWD – Appeal Petition filed by Sri Mutyala Suman, S/o Subramanyam, Jangala Kandriga (V), Sangam (M) Nellore District filed under Section 7 of Act 16 of 1993 against the Proceedings of the Collector, Nellore District – Appeal rejected – Orders Issued – Regarding.

SOCIAL WELFARE (C.V-1) DEPARTMENT

G.O.Ms. No. 34

Dated: 13 -03-09.

Read the following:

1. From the CDM, Nellore, Proc. No. Rc.C5/124/2008, Dated: 21.6.2008.
2. Petition from Sri M. Suman, S/o. Subramanyam, Nellore District, dated: 02.08.2008.
3. From the Collector, Nellore, Lr. No. C5 (M) 124/08, Dated: 06.11.2008.
4. Memo. No. 6749/CV.1/2007, Dated: 20-01-2009.

ORDER:

The District Collector in his proceedings has cancelled the Scheduled Caste Certificate, and declared that he does not belong to Scheduled Caste, but he belongs to Jangam BC (A) community.

2. Aggrieved by the Collectors proceedings Sri. Mutyala Suman has filed before Hon`ble Minister for Social Welfare, Government of A.P., Hyderabad against the proceedings of the Dist. Collector, Nellore vide his R.C.No.C5 (M) 124/08, dated: 21-6-2008 in confirming the order of the Revenue Division Officer, Kavali, Nellore Dist. vide his D.Dis(G)4690/07, dated:15-12-2007, which were illegal, contrary to law, arbitrary and violative of principles of natural justice for the following grounds:

- i. The petitioner submitted that as a student at the time of counseling for admission to the MCA, course, the father of the petitioner made a representation to the Revenue Divisional Officer, Kavali requesting him to issue a Caste Certificate to the petitioner mentioning his caste as Budaga Jangam, which is SC. The Revenue Divisional Officer addressed a letter to the Convener EAMCET – 2007 informing him that in view of the provisions of AP (SC, ST &BC) issue of Community, Nativity and Date of Birth Certificate Rules 1977, the issue of issuing Budaga Jangam Caste Certificate to the petitioner is under enquiry and therefore the Convener was requested to admit the candidate on the basis of the declaration given by the petitioner /parent of the petitioner. Later, on enquiry, on an erroneous view of law and fact rejected the claim of the petitioner that he belongs to Budaga Jangam by his proceedings in D.Dis(G) 4690/07, dated:15-12-2007/ Aggrieved by the order of the RDO the petitioner preferred an appeal to the District Collector and Magistrate, Nellore District who confirmed the orders of the Revenue Divisional Officer, dated:15-12-2007 vide orders in R.C.No.C5(M)124/2008, dated:21-6-2008. Questioning the same the present review petition is filed.
- ii. It is submitted that the brief facts of the case are that the petitioner is a resident of Jangala Kandriga of Sangam Mandal, Nellore District. The family of the petitioner belongs to Budaga Jangam community which is a Scheduled Caste as per G.O.Ms.No.838, dated: 15-12-1977. In Jangam community there are three sub-castes which are (1) Beda (Budaga) Jangam (2) Mala Jangam and (3) Jangam. Previously they were no special concessions/representations in Andhra region recognizing the sub-castes in Jangam Community. Hence, all the people belonging to any of the sub-caste were being called as Jangam or Jangalu and certificates were issued without mentioning the sub-castes. The Jangam or Jangalu caste people were also not particular in mentioning their sub-castes in view of the inclusion of this caste in the list of Scheduled Castes in the year 1977, the people who are following the traditions / habits and customs approached the authorities for issuance of caste certificates treating them as Budaga Jangam community. In the petitioners Village there are 60 Jangam

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families, since times immemorial and they are all related by blood. They follow the traditions and customs of the Budaga Jangam community since time immemorial. The Guide lines issued by the government in respect of the Budaga Jangam community are in tune with the traditions and customs followed by the petitioner's family.

- iii. In view of the above, the petitioner requested the authorities to issue a certificate stating that he belongs to Budaga Jangam community which is a SC. The authorities without conducting any enquiry in the village and without considering the affidavits / applications filed by the petitioner rejected the claim of the petitioner. In fact this petitioner filed affidavits of their villagers of different communities. Some of the blood relatives of the petitioner by names (1) Mutyala Anusha, D/o Sakhraiah (2) Poeta. Mallikharjunaiah, S/o Pitchaiah (3) Mutyala. Gurnadh, S/o Sankaraiah (4) Mutyala Cheran Sai, S/o Mohan (5) Mutyala Leela Prakash, S/o Gurnadham (6) Gandhavalla Jahnvi, D/o Dasaradharamaiah etc., were issued Caste Certificates treating them as Budaga Jangam community after thorough enquiry by the DLSC, Nellore District. The Hon'ble High Court also in WP Nos. 9548/88, 9967/87 & 19883/94 recognized the petitioner community as Budaga Jangam as they are following the traditions and customs of Budaga Jangam community which is SC. The guide lines issued by the Hon'ble Court, numbers of persons belonging to Jangam community who follow the traditions of Budaga Jangam community were issued certificates treating them as Scheduled Caste.
 - iv. Sri M. Suman has submitted that the authorities have not considered the issue in prospective view and in fact refused to receive the evidence produced by the petitioner. The petitioner has not given proper opportunity to present case.
 - v. The petitioner has further prayed that the Hon'ble Minister be pleased to set aside the proceedings of the Revenue Divisional Officer in D.Dis(G)4690/07, dated:15-12-07 as confirmed by the District Collector in R.C.No.C5(M)124/08, dated:21-6-08 as illegal, contrary to law, arbitrary and in violation of principles of natural justice and consequently direct the authorities to issue a caste certificate after declaring that the petitioner belongs to Budaga Jangam community which is SC after conducting proper enquiry by the District Level Scrutiny Committee in the interests or Justice and pass such other order or orders as the Hon'ble Minister deems fit and proper in the circumstances.
3. The Government has rejected the stay requested by the appellant on the proceedings of the Collector, Nellore District. However the District Collector was requested to furnish the parawise remarks and records on the appeal.
4. The District Collector, Sri Potti Sriramulu Nellore District in his letter 3rd read above has submitted remarks on the grounds filed by Sri.Mutyala Suman, S/o. Subrahmanyam is as follows:
- a. The District Collector, Nellore reported that Sri. Mutyala Subrahmanyam, S/o. Nagaiah, Jangalakandriga (V), Sangam (M) has applied, for issue of Budaga Jangam (SC) Certificate to his son Mutyala Suman to attend I-CET, 2007 counseling. The Convener of I-CET,2007 Osmania University, Hyderabad was addressed by the Revenue Divisional Officer, Kavali to admit the candidate in accordance with instructions issued under Rule 19 of G.O.Ms.No.58, SW (J), Dept., AP(SC,ST & BC) issue of community, Nativity and Date of Birth certificate Rules, 1997 duly obtaining affidavit from the applicant in form II.
 - b. In this regard, the Revenue Divisional Officer, Kavali has conducted detailed enquiry into the caste status of Sri Mutyala Suman, S/o. Subahmanyam and issued form VI notice issued to the candidate to attend enquiry on Social Status claim of the candidate on 12.11.2007. The candidate and his father along with caste Association leaders have attended for personal enquiry conducted by the Revenue Divisional Officer, Kavali and the petitioner has filed written statement and material in support of his claim.

c. The Collector, Nellore has also reported that basing on the report of the RDO, Kavali, statements of the applicant and other records concerned, and District Level Scrutiny Committee's opinion that the applicant belongs to Jangama (BC-A) community, but not Budaga Jangama (SC). The District Level Scrutiny Committee has observed their all the

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documentary evidences and oral evidences of the petitioner and other material available on record and conclude that Sri Mutyala Suman, S/o. Subrahmayam belongs to Jangama (BC-A) community, but does not belong to Budaga Jangam (SC) with that effect as per the Act 16/1993.

5. In the circumstances above, the District Collector, Nellore vide his Proc Rc.C5/124/2008, dated: 21.6.2008 canceled the Budaga Jangam caste Certificates.

6. The case has been taken up for personal hearing on 12-02-09, the appellant present before Appellate Authority and has not produced any evidences in supporting of his claim.

7. In the above circumstances and in exercise of the powers conferred under Section 7(2) of A.P. (SC, ST and B.C. Regulation of issue of Community Certificates) Act 16 of 1993 and rules made under as per G.O.Ms.No. 58, SW (J) Department, dated: 12-05-1997, the appeal petition filed by Sri Mutyala Suman S/o. Subramanyam belongs to Jangama (BC-A) Community in Nellore District is hereby rejected, duly upholding the Proceedings of the District Collector, Nellore District, D.Pari C5/124/2008, Dated: 21-06-2008.

8. The records received from the District Collector, Nellore District, through reference 4th read above, are returned herewith in original (containing CF.PP 1-140) and he is requested to acknowledged receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To
The District Collector,
Sri. Potti Sriramulu
Nellore District (enclosures only records at PP 1-140 cf).

Sri. Mutyala Suman,
S/o. Subrahmanyam,
Jangalakandriga (V),
Sangam (M)
Nellore District.

Copy to:

The P.S. to M (SW)
The P.S. to Principal Secretary (SW)
PA to Deputy Secretary (SW)
SF

//FORWARDED: BY ORDER//

SECTION OFFICER.